

**SENATE JOURNAL  
65TH LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 8, 2017

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Webb. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Keenan, Moore, Osmundson, and Small excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 4/8/2017  
Correctly printed: **SR 59, SR 60, SR 61, SR 62, SR 63, SR 64, SJ 30, HB 205, HB 303, HB 383, HB 391, HB 428, HB 462, HB 528, HB 558, HB 642, HB 647.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 4/7/2017  
**HB 134**, be concurred in.  
**HB 390**, be amended as follows:

1. Page 3.

**Following:** line 12

**Insert:** "COORDINATION SECTION. Section 3. Coordination instruction. (1) If [this act], Senate Bill No. 260, and Senate Bill No. 307 are passed and approved, [Section 1] of Senate Bill No. 260 must be replaced with the following language:

" Section 1. **School facilities fund -- school major maintenance aid special revenue account.** (1) There is a school facilities fund administered by the department of administration. Pursuant to 17-5-703, a percentage of coal severance taxes received by the state are deposited into this fund. Earnings not transferred to the school major maintenance aid account as provided in subsection (2) must be retained in the school facilities fund.

(2) The school major maintenance aid account established in [section 8 of Senate Bill No. 307] receives earnings from the school facilities fund as provided in 17-5-703.

(3) A school district that receives funds from the school major maintenance aid account shall, within 30 days of receiving the funds, file with the office of the superintendent of public instruction a document acknowledging it has received funds from the coal severance tax trust fund."

(2) If [this act], Senate Bill No. 260, and Senate Bill No. 307 are passed and approved, the section in Senate Bill No. 260 amending 17-5-703 is void and 17-5-703 must be amended as follows:

**"17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from

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the coal severance tax must be deposited;

- (b) a treasure state endowment fund;
- (c) a treasure state endowment regional water system fund;
- (d) a coal severance tax permanent fund;
- (e) a coal severance tax income fund; ~~and~~
- (f) a big sky economic development fund; and
- (g) a school facilities fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections ~~(3) and (4)~~ (4) and (5).

~~(3) (a) Until June 30, 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.~~

~~———— (b) Until June 30, 2016, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.~~

~~———— (c) (a) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.~~

~~(d) (b) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.~~

(4) (a) Starting July 1, 2017, the state treasurer shall quarterly transfer to the school facilities fund provided for in [section 1(1) of Senate Bill 260] 75% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is \$200 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance permanent fund 75% of the amount in the coal severance tax bond fund that exceeds the amount that is specified pursuant to subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the school facilities fund to the account established in [section 8 of Senate Bill No. 307] the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in [section 8 of Senate Bill No. 307] must be retained by the school facilities fund.

~~(4)(5)~~ (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax

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bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

~~(5)~~(6) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2031--secs. 1 through 3, Ch. 305, L. 2015.)

**17-5-703. (Effective July 1, 2031) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; ~~and~~

(e) a big sky economic development fund; and

(f) a school facilities fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections ~~(3) and (4)~~ (4) and (5).

~~(3) (a) Until June 30, 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.~~

~~(b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.~~

(4) (a) Starting July 1, 2017, the state treasurer shall quarterly transfer to the school facilities fund provided for in [section 1(1) of Senate Bill No. 260] 75% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is \$200 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance permanent fund 75% of the amount in the coal severance tax bond fund that exceeds the amount that is specified pursuant to subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the school facilities fund to the account established in [section 8 of Senate Bill No. 307] the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account.

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Earnings not transferred to the account established in [section 8 of Senate Bill No. 307] must be retained by the school facilities fund.

~~(4)~~(5) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

~~(5)~~(6) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

**Renumber:** subsequent sections

And, as amended, be concurred in.

**HB 631**, be amended as follows:

1. Page 3, line 15.

**Strike:** "(a)"

2. Page 3, line 19.

**Strike:** "Except" through "money"

**Insert:** "Money"

3. Page 3, line 22 through line 23.

**Strike:** subsection (b) in its entirety

4. Page 4, line 16.

**Strike:** "for the" through "chapter 9"

**Insert:** "to the agricultural seed capital account established in 90-9-301"

5. Page 5, line 7.

**Strike:** "(a)"

6. Page 5, line 11.

**Strike:** "Except" through "money"

**Insert:** "Money"

7. Page 5, line 14 through line 15.

**Strike:** subsection (b) in its entirety

And, as amended, be concurred in.

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**STATE ADMINISTRATION** (Brown, Chair):

4/7/2017

**SJ 28**, do pass.

**SJ 29**, do pass.

Without objection, committee reports were adopted.

**MESSAGES FROM THE GOVERNOR**

April 6, 2017

Senator Scott Sales, President  
Montana Senate  
Capitol Building  
Helena, MT 59601

Dear President Sales:

On Thursday, April 6, 2017, I signed the following bill:

**SB 157** - J. Cohenour

I have also vetoed **Senate Bill 97** - K. Regier.

Sincerely,

STEVE BULLOCK  
Governor

April 7, 2017

The Honorable Scott Sales  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 32** (SB 32), "AN ACT ELIMINATING THE COMMUNITY RENEWABLE ENERGY PROJECT REQUIREMENT FROM MONTANA'S RENEWABLE RESOURCE STANDARD; AMENDING SECTIONS 69-3-2003, 69-3-2004, 69-3-2005, 69-3-2006, 69-3-2009, AND 90-4-1202, MCA; AND PROVIDING AN IMMEDIATE

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EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 32 would repeal Montana's Community Renewable Energy Projects (CREPs) requirement for the Montana Renewable Portfolio Standard (RPS). Montana law requires utilities to meet a certain target for procuring renewable energy. Within the RPS, covered utilities are also required to acquire "community renewable power" in certain amounts.

Creating CREPs was a choice made by the state when it also adopted the RPS to make sure that renewables were not just clustered in a few big projects by major developers, and to ensure that local communities were not left behind. To that end, the legislature made sure that any CREPs were in fact, "owned" by Montanans, and set a size limit on projects of 25 MW, thereby keeping the scale small. MCA 69-3-2007 also requires CREPs to not exceed the cost of any other alternative energy resource available to the utility by more than 15 percent. According to a 2014 review of the Montana's RPS, the Montana Consumer counsel concluded, "The RPS and accompanying CREPs legislation in Montana has had a relatively minimal rate impact on Northwestern Energy customers."

CREPs projects benefit local economies where they are built. CREPs projects are typically located in rural communities, bringing with them jobs and new tax revenue that is sustained over the life of the project, which could be for twenty years or longer. Indeed, counties where CREPs are currently located oppose SB 32, arguing that CREPs bring rural economies long-term jobs, construction jobs and a higher tax base for the counties. Currently, only 25 of the required 65 megawatts from CREPs have been built, leaving a potential 40 megawatts of local projects still to be built. SB 32 would deprive local communities of further investments and jobs that would come with development of those 40 megawatts.

While proponents of SB 32 argue, and opponents also acknowledge, the current law is not ideal, repealing the law in its entirety is also not ideal. I am committed to working with stakeholders before the next legislative session to amend current law to address concerns and make CREPs better and more workable for both utilities and renewable energy developers. This could include addressing current cost caps, ownership requirements, and penalties. The bill's title restricts me from offering any of those amendments as an amendatory veto, so I am therefore resigned to veto SB 32 outright.

Sincerely,

STEVE BULLOCK  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

4/7/2017

**SB 45**, introduced by M. MacDonald

**SB 46**, introduced by C. Vincent

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**SB 93**, introduced by T. Richmond  
**SB 116**, introduced by M. Blasdel  
**SB 117**, introduced by R. Webb  
**SB 118**, introduced by M. McNally  
**SB 200**, introduced by E. Buttrey  
**SB 213**, introduced by J. Cohenour  
**SB 240**, introduced by E. Buttrey  
**SB 242**, introduced by S. Malek  
**SB 260**, introduced by L. Jones  
**SB 274**, introduced by E. Buttrey

**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/7/2017

**SB 197**, introduced by T. Gauthier  
**SB 271**, introduced by F. Thomas  
**SB 307**, introduced by L. Jones

**Senate amendments to House bills** concurred in:

4/7/2017

**HB 208**, introduced by K. Wagoner  
**HB 496**, introduced by V. Ricci

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 65**, introduced by K. Regier, referred to Judiciary.  
**SR 66**, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 4** - Majority Leader Thomas moved consideration of **HB 4** be placed at the bottom of the second reading board. Without objection, so ordered.

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**HB 118** - Senator Olszewski moved **HB 118** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.  
Total 43

Nays: Hinebauch, Regier, Mr.President.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Keenan, Moore, Osmundson, Small.  
Total 4

**HB 576** - Senator Fielder moved **HB 576** be concurred in. Motion **failed** as follows:

Yeas: Brown, Caferro, Fielder, Hoven, Olszewski, Phillips, Salomon, Sands, Thomas, Webb.  
Total 10

Nays: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Regier, Richmond, Sesso, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.  
Total 36

Absent or not voting: None.  
Total 0

Excused: Keenan, Moore, Osmundson, Small.  
Total 4

**HB 576** - Senator Blasdel moved **HB 576** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 45

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Nays: Phillips.

Total 1

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 589** - Senator Caferro moved **HB 589** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 554** - Senator Blasdel moved **HB 554** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

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**HB 574** - Senator Blasdel moved **HB 574** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, McNally, Olszewski, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 35

Nays: Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Whitford.

Total 11

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 583** - Senator Cohenour moved **HB 583** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 4** - Senator L. Jones moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Keenan, Moore, Osmundson, Small.  
Total 4

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Keenan, Moore, Osmundson, Small.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 44, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 46

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 59, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 99, as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 144, as amended by the House**, passed as follows:

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Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 158, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.

Total 27

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Olszewski, Regier, Salomon, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 19

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 163, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Tempel.

Total 1

Absent or not voting: None.

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Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 270, as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.

Total 31

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.

Total 15

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 284, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Fielder.

Total 1

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 286, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang,

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MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 291, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**SB 292, as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 205** concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Lang, McClafferty, Olszewski, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 28

Nays: Barrett, Boland, Cohenour, Facey, Gross, Hinkle, Howard, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 303** concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.

Total 29

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, Regier, Salomon, Smith C, Swandal, Tempel, Vance, Webb, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 383** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas,

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Vuckovich, Welborn, Whitford, Wolken.

Total 33

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Regier, Smith C, Vance, Vincent, Webb, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 428** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.

Total 39

Nays: Fielder, Hinebauch, Hinkle, Howard, Smith C, Vance, Webb.

Total 7

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 462** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.

Total 28

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Lang, Olszewski, Pomnichowski, Regier, Smith C, Smith F, Vance, Vincent, Webb, Welborn, Mr.President.

Total 18

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

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Total 4

**HB 528 failed** as follows:

Yeas: Barrett, Boland, Brown, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Welborn, Whitford, Wolken.

Total 22

Nays: Ankney, Blasdel, Buttrey, Caferro, Cohenour, Connell, Fielder, Hinebauch, Hinkle, Jones, Kary, Olszewski, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 24

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 642 concurred in** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 43

Nays: Hinebauch, Smith C, Vance.

Total 3

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

**HB 647 concurred in** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 39

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Nays: Hinebauch, Hinkle, Regier, Smith C, Vance, Vincent, Mr.President.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Keenan, Moore, Osmundson, Small.  
Total 4

**MOTIONS**

Majority Leader Thomas moved that **HB 134** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Gauthier moved that **HB 225** be taken from the Highways and Transportation Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.  
Total 27

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Keenan, Moore, Osmundson, Small.  
Total 4

**SPECIAL ORDERS OF THE DAY**

Senator Blasdel thanked the Pages for their service this week.

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Welborn, Vice Chair):

4/7/2017

**SR 20**, be adopted.

**SR 21**, be adopted.

**SR 43**, be adopted.

**SR 44**, be adopted.

**HB 339**, be concurred in.

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**HB 344**, be concurred in.

**HB 429**, be concurred in.

**HB 433**, be concurred in.

**HB 622**, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):  
**SR 57**, introduced resolution, be amended as follows:

4/7/2017

1. Title, page 1, line 6.

**Following:** "CHANGES TO"

**Insert:** "OR REPEALING"

2. Page 1, line 26.

**Following:** "revisions to"

**Insert:** "or repealing"

3. Page 1, line 27.

**Following:** "urged to retain"

**Insert:** "or create"

And, as amended, be adopted.

**STATE ADMINISTRATION** (Brown, Chair):  
**HB 136**, be amended as follows:

4/7/2017

1. Title, page 1, line 7.

**Following:** "PROVIDING"

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Page 2, line 19.

**Following:** "subsection (2)"

**Insert:** "and reducing the employee's additional contribution required under 19-8-502(1)(b)"

3. Page 2, line 27.

**Strike:** "2017"

**Insert:** "2018"

4. Page 3, line 3.

**Strike:** "2017"

**Insert:** "2018"

5. Page 3, line 18.

**Strike:** "2017"

**Insert:** "2018"

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6. Page 3, line 24.

**Strike:** "2017"

**Insert:** "2018"

7. Page 4, line 5.

**Strike:** "2017"

**Insert:** "2018"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, April 10, 2017, the seventy-fifth legislative day. Motion carried.

Senate adjourned at 8:38 a.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate